IN RE: PETITION FOR ZONING VARIANCE *

E/S Perry Hall Blvd., 100 ft.

N of c/l Four Mill Road

9413 Perry Hall Blvd. 11th Election District

5th Councilmanic District Charles V. Baum, et ux

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 96-382-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 9413 Perry Hall Boulevard in Perry Hall. The Petition is filed by Charles V. Baum and Sandra M. Baum, his wife, property owners. Variance relief is requested from Sections 429.2 and 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit a satellite dish in the side yard in lieu of the rear yard. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case was Charles V. Baum, property owner. There were no Protestants or other interested persons present.

Mr. Baum testified that he and his wife have owned the property since December 15, 1995. He stated that he and his family reside on the premises and the property is used for residential purposes. Indeed, the site plan shows that the property is improved with a split foyer dwelling, featuring a concrete patio and porch to the rear. Also, the rear of the site contains a wood deck and an above ground pool.

After the Petitioners' acquisition of the site in December of 1995, they constructed a satellite dish in the side yard. The dish is set back less than 5 ft. from the property line and is 7-1/2 ft. in width. The site plan also shows that the dish is located within a utility easement



maintained by Baltimore County. The Zoning Plans Advisory Committee comment from the Dept. of Public Works indicates that the dish is located over an existing sanitary sewer line.

During the hearing, the Zoning Commissioner inquired of Mr. Baum as to whether his neighbors object to the location of the dish. Particularly, the neighbor residing at 9411 Perry Hall Boulevard is the most affected. Although unable to recall that neighbors' name, Mr. Baum affirmatively stated that he had discussed the dish with that neighbor and that she had no objection to same.

Subsequent to the public hearing, the Zoning Commissioner obtained clarification of the use of the easement from the Department of Public Works. It was determined that an 8" sanitary sewer line is located within the easement and that County policy prohibits any permanent structure within the easement.

More importantly, a letter was received from Janice Canoles who resides at 9411 Perry Hall Boulevard. That letter states that she objects to the location of the dish and further indicates that she had conveyed these objections to the Petitioners prior to the public hearing. It is, therefore, obvious that either Mr. Baum or Ms. Canoles have been untruthful as to whether this neighbor objected to the location of the dish and communicated those objections.

Variances are considered pursuant to the language contained within Section 307 of the BCZR. That section requires that the Petitioner demonstrate that a practical difficulty or undue hardship would result if variance relief were denied. Moreover, the Petitioner must show that the variance can be granted so that no detriment will come to surrounding properties.



Based on all of the evidence presented, I am not persuaded that the Petitioners have met their burden. I find no unique characteristic of this property which justifies a deviation from the BCZR. Moreover, the objection of the neighbor and the dish's potential impact on that property are factors which cannot be ignored. Based on these reasons, the Petition for Variance must and will be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _______ day of July, 1996 that a variance from Sections 429.2 and 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit a satellite dish in the side yard, in lieu of the rear yard, be and is hereby DENIED.

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES/mmn

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IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE

E/S Perry Hall Blvd., 100 ft.

N of c/l Four Mill Road * ZONING COMMISSIONER

9413 Perry Hall Blvd.

11th Election District * OF BALTIMORE COUNTY

5th Councilmanic District

Charles V. Baum, et ux * Case No. 96-382-A

Petitioners

* * * * * * * * * *

ZONING COMMISSIONER'S RULING ON MOTION FOR RECONSIDERATION

The above captioned matter comes before the Zoning Commissioner on a request for reconsideration of the Findings of Fact and Conclusions of Law and Order issued on July 17, 1996. On that date, I denied a Petition for Zoning Variance to permit a satellite dish in the side yard, in lieu of the rear yard, of the subject property located at 9413 Perry Hall Boulevard. To the extent applicable, my Findings of Fact and Conclusions of Law are incorporated herein. Those findings and conclusions set forth the history of this case, including the testimony and evidence offered at a public hearing for this matter on May 21, 1996.

Subsequent to the issuance of my Order, a written request was received from the Petitioners, Charles V. Baum and Sandra M. Baum, dated July 29, 1996. That correspondence, which is contained within the case file, requested that that I reconsider my decision and grant the Petition for Variance.

Upon receipt of that request, I visited the site and walked the property. I examined the satellite dish not only while walking the subject property but also from the neighbor's property. That neighbor, Janice Canoles, who resides at 9411 Perry Hall Boulevard, objects to the present location of the dish for reasons set forth in her correspondence of June 24, 1996.

The location of satellite dishes is governed by Section 429 of the BCZR. Specifically, Section 429.2 of the BCZR requires that when located in

The Hold of the state of the st

a residential zone, satellite dishes must be in the rear yard. Section 429.1 also permits dishes to be located on the roof of a building.

An examination of the site leads me to conclude that, from an aesthetic standpoint, the appropriate location of the subject dish is a matter of personal preference. The retention of the dish, where presently located in the side yard, hides the structure from the rear yard. Both the subject property and Ms. Canoles property have improvements in the rear yard which indicate active use of those portions of the properties. On the subject site, Mr. and Mrs. Baum have a pool and deck in the rear yard, whereas Ms. Canoles has an elevated deck leading from the rear of her house. If the dish remains in the side yard, it is not as visible from these improvements and is less intrusive to both property owners' enjoyment of their rear yards.

However, location of the dish in the side yard of the Baum property is not without its drawbacks. If it remains at that location, it is sited directly across from Ms. Canoles' kitchen window. Obviously, this detracts from her view.

Irrespective of these aesthetic considerations, however, is the fact that this case must be decided upon the law and the BCZR. Variances are governed by Section 307 of the BCZR. That section requires that the Petitioner must demonstrate that a practical difficulty would exist if strict adherence to the regulations were required. Moreover, the Petitioner must demonstrate that no adverse impact would result if variance relief were granted. The Court of Special Appeals has recently interpreted Section 307 of the BCZR in Cromwell v. Ward, 102 Md. App. 691 (1995). The Court opined that Section 307 requires a finding that the property at issue is unique before any variance relief can be granted. Moreover, the Court repeated the well established principals that variance relief cannot be

ORDER RECEIVED FOR FILING
Date

By

By

granted for reasons of convenience but that the property owner must show a compelling need for deviation from strict adherence to the regulations.

Evaluating the case in this light mandates the result that the Petitioner's request for reconsideration be denied. Although there are reasons which support the dish's location in the side yard, those reasons do not overcome the validity of the regulation. None of those reasons are more than a personal preference and none meet the test mandated by Section 307 of the BCZR as construed in Cromwell, supra. Thus, the Petitioners' Motion for Reconsideration must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this Aday of November 1996 that, pursuant to the Petition for Variance, approval to allow a satellite dish in the side yard, in lieu of the rear yard, be and is hereby DENIED; and,

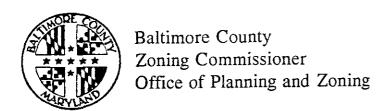
THEREFORE, IT IS ORDERED that the subject satellite dish must be removed from its illegal location within 60 days from the date on which this Order becomes final.

Any appeal from this decision must be taken in accordance with the applicable provisions of law.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn





Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

November 25, 1996

Mr. and Mrs. C.V. Baum 9413 Perry Hall Boulevard Baltimore, Maryland 21236

> RE: Ruling on Motion for Reconsideration Case No. 96-382-A Property: 9413 Perry Hall Boulevard

Charles V. Baum and wife, Petitioners

Dear Mr. and Mrs. Baum:

Enclosed please find a copy of my Ruling on Motion rendered in the above captioned matter. The Motion has been denied.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Ruling to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

LAWRENCE E. SCHMIDT Zoning Commissioner

LES:mmn encl.

c: Mrs. Janice Canoles, 9411 Perry Hall Blvd., Baltimore, Md. 21236

EVICENTE

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

July 17, 1996

Mr. and Mrs. Charles V. Baum 9413 Perry Hall Boulevard Baltimore, Maryland 21236

> RE: Petition for Variance Case No. 96-382-A

Property Location: 9413 Perry Hall Blvd.

Dear Mr. and Mrs. Baum:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.

c: Mrs. Janice Canoles 9411 Perry Hall Blvd. Baltimore, Maryland 21236

MCACELLED



Printed with Soybean link on Recycled Paper



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at	7413 Terry Hall VIII.
96-382-A	which is presently zoned
This Petition shall be filed with the Office of Zentee & July 1	Lik J.
The undersigned, legal owner(s) of the property situate in Balti	tration & Development Management. more County and which is described in the description and plat attached on Section(s)
hereto and made a part hereof, hereby petition for a Variance fro	om Section(s)
429.2 and 400.1 to permit a s	atellite dish in the side yard
The of the tall.	,
of the Zoning Regulations of Baltimore County, to the Zoning Le	w of Baltimore County, for the following reasons: (indicate hardship or
practical difficulty) Can't movent on soul	To Salamore County, for the following reasons: (indicate hardship or
Can't put pole on other side t	has in some there weight
To move pole to reason accord	in a size of the town have when to be town he
- Jacob o residence	of Baltimore County, for the following reasons: (indicate hardship or - 2"x 4" won t Curry weight. I house in rear - would have to be too h. side - would have to tear-up paties
Property is to be posted and advertised as prescrit	ped by Zoning Regulations.
be bound by the zoning regulations and restrictions of Retimore	Ded by Zoning Regulations. posting, etc., upon filing of this petition, and further agree to and are to County adopted pursuant to the Zoning Law for Baltimore County
C. Delanioje	County accepted pursuant to the Zoning Law for Baltimore County
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition
Contract Purchaser/Lessee	Legal Owner(s)
CHARLES V. BAUM	_ ''
Type or Prifit Name)	CLUB OF POR NORTH
11/16/1/	(Type or Finit (Vanie)
ignature Duce	* Sandra St. Gaun
14/2 P	Signature
1413 PERRY HALL BLV,	(Type of MIT Dame)
7	(Type of init Name)
DALTO. M.B. 21236	× (hande) La
State Zipcode	Signature V. Durin
torney for Petitioner:	
rpe or Print Name)	9413 Ferry Hall \$10. 256361
	Address Phone No
_	* Balto. Md. 20231
Nature	City State Zipcode Name, Address and phone number of representative to be contacted.
	to be contacted.
dress Phone No.	* above
	Name -
State Zipcode	Address
	OFFICE USE CNLY
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and Administration	ESTIMATED LENGTH OF HEADING
April Administrative	ESTIMATED LENGTH OF HEARING Unavailable for Hearing
April Total	
Printed with Scybean Ink on Recycled Paper	unavailable for Hearing
Printed with Southern Let	the following dates Next Two Months

Beginning on the cast side at Perry Hall Blud) at the listednee of 100 feet north at the conterline of Four Mill Road. Also known as 9413 Perry Hall 131hl onl being Lot 5 > Block D, Plat Z, Section I in the Chapel Manor subdivision (Book 33/Folio 65) containing 164 acres in the 11th Election District.

96.3754 # 379

MIGROFILMED

Post

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MICROTIL 1973	POSTING 10-382-4 Date of Proton Heath 5/3/6/6 Recommendation of the state of the

Cabe: #96-382-A
(Item 379)
d13 Perry Hall Boulevard; 1000
Nof of Four Mill Road
11ff Election District
5th Councilmanie
Legal Owner(e):
Sanita M. Baum and Charles
V. Baum
Verlanner to permit a satisfille
dish in the side yard in fleu of
the real:
Hearing: Tuesday May 7,
1996 at 1130 a.m. in Rm.
118, Old Courthouse. The Zoning Commissioner of Baltimore Double by such that the Zoning Act and significant that a country of Baltimore Country will hold a public hearing on the property identified herein in Boom 106 of the Country Office Building, 111 W. Chesapeski. Avertue in Towson, Maryland 21204 or Roson, Maryland 21204 or Roson, Maryland 21204 or Roson, Maryland 21204 or Bottows:

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING.

TOWSON, MD.,_	
)N, MD	
31/12	_
_, 19 %	

weeks, the first publication appearing on ____ in Towson, Baltimore County, Md., once in each of ____successive published in THE JEFFERSONIAN, a weekly newspaper published THIS IS TO CERTIFY, that the annexed advertisement was 4/4 . 1996

THE JEFFERSONIAN,

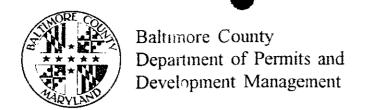
1. Henrican LEGAL AD. - TOWSON

LAWRENCE E. SCHMIDT Zoning Commissioner for Battimore County NOTES: (1) Hearings are Handicapped Accessible; for special accessmodations Please 0.887-3353.

(2) For information concerning the file shidly: Hearing, Please Call 887-3391.

1/201 April 18

TE = 2/96	ACCOUNT_01-6:	<u> </u>
tem: 379. 31. ord%	AMOUNT \$ 850	No.
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Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

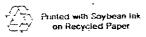
This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 379 Petitioner: Charles + Sandra Baum
Location: 9413 Perry Hall Blul
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Charles & Sanda Baum
ADDRESS: 9413 Perry Hell Blul
Balto. MO 21236
PHONE NUMBER: 256-3656
MICROFILME



TO: PUTUXENT PUBLISHING COMPANY
April 18, 1996 Issue - Jeffersonian

Please foward billing to:

Charles and Sandra Baum 9413 Perry Hall Boulevard Baltimore, MD 21236 256-3656

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

OI.

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-382-A (Item 379)
9413 Perry Hall Boulevard
E/S Perry Hall Boulevard, 100' N of c/l Four Mill Road
11th Election District - 5th Councilmanic
Legal Owner(s): Sandra M. Baum and Charles V. Baum

Variance to permit a satellite dish in the side yard in lieu of the rear.

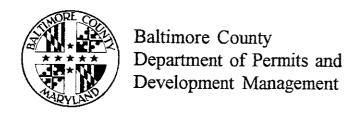
HEARING: TUESDAY, MAY 7, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

April 11, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-382-A (Item 379)
9413 Perry Hall Boulevard
E/S Perry Hall Boulevard, 100' N of c/l Four Mill Road
11th Election District - 5th Councilmanic
Legal Owner(s): Sandra N. Baum and Charles V. Baum

Variance to permit a satellite dish in the side yard in lieu of the rear.

HEARING: TUESDAY, MAY 7, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

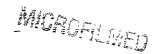
Arnold Jablon

Director

cc: Charles and Sandra Baum

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.







Baltimore County
Department of Permits and
Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

Det 135/6

April 22, 1996

NOTICE OF REASSIGNMENT

Rescheduled from 5/7/96

CASE NUMBER: 96-382-A (Item 379)

9413 Perry Hall Boulevard

E/S Perry Hall Boulevard, 100' N of c/l Four Mill Road

11th Election District - 5th Councilmanic

Legal Owner(s): Sandra M. Baum and Charles V. Baum

Variance to permit a satellite dish in the side yard in lieu of the rear.

HEARING: TUESDAY, MAY 21, 1996 at 11:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland.

ARNOLD JABLON

DIRECTOR

cc: Charles and Sandra Baum

- 32. Trailer: A vehicle used, or intended for use as a conveyance upon the public street ways, so designed, constructed, reconstructed, or added to by means of portable accessories in st ner as will permit the occupancy thereof as a movable dwelling or sleeping place.
- 33. Trailer Camp: Any land upon which, habitually or infrequently, one or more trailer cars, when detached from its automobile, or means of locomotion, or a combined car and house are placed or located, and whether or not used for occupancy as dwelling or otherwise, and shall any structure or building used as a service building for such camp or intended for use as a pa equipment of such camp.
- 34. Wayside Stand: A temporary structure including tables, or other method for dissale of farm products or commodities.
- 35. Yard: An open space on the same lot asthe building and unoccupied and unobstruc the ground up (except such accessory buildings, or projections as are expressly permitted regulations) and not including a court.
- 36. Yard, Front: A yard extending across the full width of the lot and measured between front lot line and the foundation wall of the building.
- 37. Yard, Rear: A yard extending across the full width of the lot measured between lot line and the main building.
- 38. Yard, Side: A yard extending from the front yard to the rear yard and measured : side lot line to the building.
- 39. Zone: An area for which the regulations governing the use of buildings and land a

SECTION II-ZONES

For the purposes of these regulations, the County is hereby divided into Seven (7) Zones as Sel Sect X

- (Cottage) 20 r. QJ. "A" Residence Zone
- "B" Residence Zone (Semi-detached)
- "C" Residence Zone (Apartment)
- "D" Residence Zone - (Group)
- "E" Commercial Zone.
- "F" Light Industrial Zone.
- "G" Heavy Industrial Zone.

SECTION III—"A" RESIDENCE ZONE

- **E.A.** Use Regulations: In any "A" Residence Zone, except as hereinafter expressly prov building or land shall be used and no building or structure shall be hereafter erected, altered, or used except for one or more of the following uses:
 - Church, parochial school, convent or monastery.
 - Dwelling, single family.
 - Dwelling, two-family.
 - Farming and buildings incidental thereto.
 - Home Occupations, provided that no sign or signs shall be displayed on the lot so use ing a total of two square feet in area, not projecting more than one foot beyond the and not illuminated.



Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

April 30, 1996

JAMICE CANOLES
256-1107

Charles and Sandra Baum 9413 Perry Hall Boulevard Baltimore, MD 21236

> RE: Item No.: 379

> > Case No.: 96-382-A

Petitioner: Charles Baum, et ux

Dear Mr. and Mrs. Baum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 22, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.

Zoning Supervisor

WCR/jw Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: April 22, 1996

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT:

Zoning Advisory Committee Meeting

for April 22, 1996

Item No. 379

The Development Plans Review Division has reviewed the subject zoning item. The center line of an existing 10-foot drainage and utility easement runs along the south property line of lot 5 (#9413 Perry Hall Boulevard). An existing 8-inch diameter sanitary sewer is located in this easement. County policy prohibits the location of any permanent structure in a County easement.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Permits and Development

Management

FROM:

Pat Keller, Director

Office of Planning

SUBJECT:

Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 365, 366, 368, 369, 371, 375, 376, 379, 382, 384, 385, 386 and 388

DATE: April 10, 1996

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Iffry M. Long E: Cary L. Klern

PK/JL



Maryland Department of Transportation State Highway Administration

David L. Winstead Secretary Hal Kassoff Administrator

Ms. Joyce Watson Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Baltimore County Item No. 379 (MJK) RE:

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief Engineering Access Permits

BS/es

MORONI	(PET)
--------	-------

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

MGAZ

DATE: 4-17-96

FROM:

DEPRM

Development Coordination

SUBJECT: Zoning Advisory Committee Agenda: 4-15-96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

382

LS:sp

LETTY2/DEPRM/TXTS8P

÷÷

MICROFILMED

Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500

Office of the Fire Marshal (410) 887-4880

DATE: 04/16/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF APRIL 15, 1996.

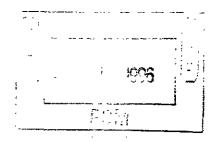
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:376,378,379,382,384,385,386 AND



REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

MICROFILMED

cc: File

Baltimore County
Department of Permits & Development Management tti West Chesapeake Avenue Towson, Maryland 21204 (410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Larry E. Schmidt Zoning Commissioner

DATE: April 15, 1996

FROM:

James H. Thompson - GF

Code Enforcement Supervisor

96-382

SUBJECT:

ITEM NO.: PETITIONER: 379

Charles V. Baum and Sandra M. Baum

Tenants By Entireties

VIOLATION CASE NO.:

C-96-3754

LOCATION OF VIOLATION:

9413 Perry Hall Boulevard Baltimore, Maryland 21236

11th Election District

DEFENDANTS:

Charles V. Baum and Sandra M. Baum

9413 Perry Hall Boulevard Baltimore, Maryland 21236

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/GF/hek

RE: PETITION FOR VARIANCE BEFORE THE

9413 Perry Hall Blvd., E/S Perry Hall Blvd.,

100' N of c/l Four Mill Road

11th Election District, 5th Councilmanic

OF BALTIMORE COUNTY

Charles and Sandra Baum

Petitioner

CASE NO. 96-382-A

ZONING COMMISSIONER

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

iole S. Demilia

CAROLE S. DEMILIO Deputy People's Counsel

Room 47, Courthouse 400 Washington Avenue

Towson, MD 21204 (410) 887-2188

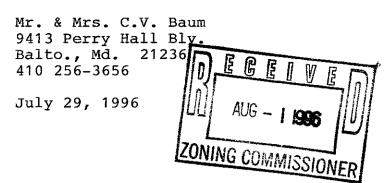
I HEREBY CERTIFY that on this \mathscr{O} day of May, 1996, a copy of the foregoing Entry of Appearance was mailed to Charles and Sandra Baum, 9413 Perry Hall Blvd., Baltimore, MD 21236, Petitioners.

ter Mary Zinnerman

Mr. Lawrence E. Schmidt Balto. Co. Zoning Commissioner

RE: Petition for Variance Case No. 96-382-A

Dear Mr. Schmidt:



As per your instruction in our telephone conversation on July 29, 1996, I am writing this letter to ask for your reconsideration on the decision you rendered denying my Petition for Variance. I feel that the evidence contained in this letter should explain the points in your decision letter to me dated July 17, 1996, relaying your denial for my Petition.

The Zoning Plans Advisory Committee comment states that there is a 10 ft. easement that runs along my south property line. This is correct, but only 5 feet is on my property. In speaking with Herb Obrec from the Department of Public Works, there is an 8" line going through the center of the 10 ft. easement. The site plan is very unclear as to where my satellite dish is positioned, but an actual measurement that I have made shows clearly that the dish is 7 feet from my line, which means that it's not even located in the easement.

As to the letter from Janice Canoles, who is my next door neighbor. First, I truly believe that her letter should have no bearing on your decision. She had plenty of time before the hearing, while my property was posted, right next to her drive-way, to relay her feelings to Baltimore County. She didn't. She also had her chance to speak up at the hearing, which cost me the filing fee plus the expense for the ad in the papers. No one, not even her, showed up to contest. Therefore, nothing she had to say should have any bearing.

Mrs. Canoles was the real estate agent that sold us our property. While considering purchasing the home, myself and my buying agent, Mrs. Goldie Lipinski of O.P.F. Realty, asked Mrs. Canoles about any Neighborhood Association because we were putting up a satellite dish. She said there was no Association and there would be NO problem with the dish. I realize that Mrs. Canoles wanted to make a sale, but I didn't realize that she would tell us one thing to sell us the house, then change her mind after the sale was complete. I do believe that real estate Agents are licensed by the State and I don't think that what she did would be considered ethical by the Maryland Real

Estate Commission. Because of this, I am sending a copy of this letter to the Commission, and to the real estate Company that Mrs. Canoles represents.

A funny thing, even after we bought our house and installed the satellite, Mrs. Canoles said that she didn't mind it because she was seldom at home. Jokingly, she asked me if her husband could hook up to it so he could watch all the races. Apparently, she changed her mind.

As far as practical difficulty and undue hardship, if indeed I have to move the dish, I would have to tear up a concrete patio, take down a fence and rewire from start to finish. This undertaking would prove very expensive and unnecessary, considering what I have already spent and gone through to this point.

In surmary, I realize that the Zoning Commissioner has many and varied duties and it would be impossible to visit every site to render a decision. But if you could visit my home and see that I am located on a dead-end street, and that my satellite doesn't disrupt anything, including the natural serenity, I do believe that you would see your way to approving my Petition for Variance.

Thank you for your consideration and if there is anything that I have not made clear, please don't hesitate to call me either at home or on my job.

Very truly yours, Mailes Sacen

c: Coldwell Banker - Grempler 9659 Belair Road

Real Estate Commission of Maryland 501 St. Paul Street

Hearing Date 5/21/96 Vieur Mr. Schnidt, Charles & Lang Baun Please be advised, that I am the Closer neighbor facing the Satilate dish that Mr. & Mn Boum Put up. I want it know that I do mind it there and I want it more. I exprend my feelings to Them when they asked me to sign a letter Stating I didn't mind it. I said I did mind it and I didn't know my they put it Mere. I just marted to go on

Ianice M. Canoles 9411 Penry Hall Blvd. Ballimore,MP 21236

No.

The same of the sa

Mr Laurana Athright Room 112 400 Washington Arenne Louron, Manfard - 21204 Of you have any quedion please Call me at 256-7107

Thank you, Mrs Janie Canoles 9411 Peny Hall Bld, Batto, md. -21236

a.

9413 Perry Hall Blv. TO 65 Balto., Md. 21236 ok 410-256-3656 Batto. Co. Dept. of Permits & Development Monagement Mr. arnold Jablen, Please accept this letter as a request to post fore the hearing dated Tuesday, May 7, 1996. My case number is 96-382-A (ITEM 379) and the hearing is in reference to my Satellite dish placement. My wife and I will be out of Town from May 5 through May 8, Our reservations have been made for months and our deposit is non refundable. We will also be out of town from June 13 through Tune 16. any other dates would be fine. Thank you for your consideration, (horles), James DECEPTED.

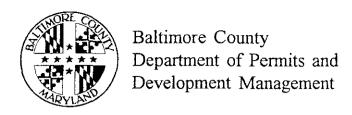
MICROFILMED

4/17/96

96-1858

Charles V. Braum

Apr. 15, 1996



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

given Stevens

April 11, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-382-A (Item 379) 9413 Perry Hall Boulevard

E/S Perry Hall Boulevard, 100' N of c/l Four Mill Road

11th Election District - 5th Councilmanic

Legal Owner(s): Sandra M. Baum and Charles V. Baum

Variance to permit a satellite dish in the side yard in lieu of the rear.

HEARING: TUESDAY, MAY 7, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon

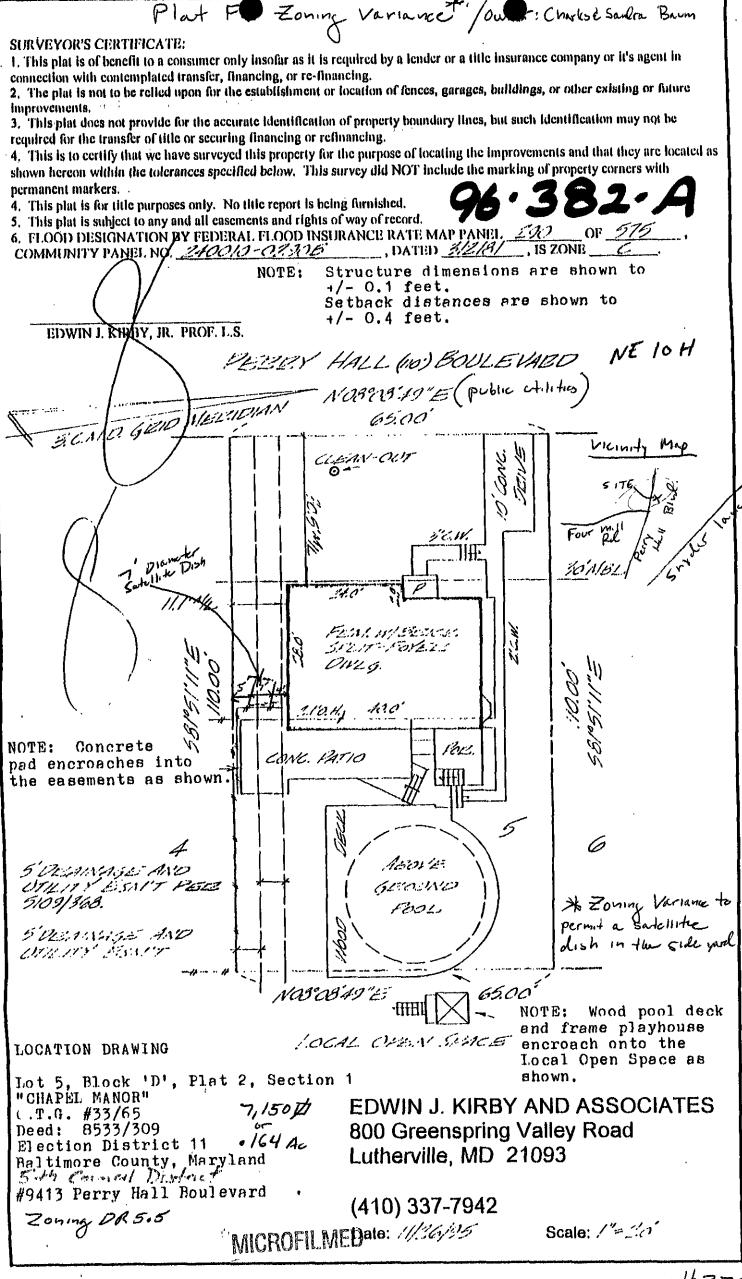
Director

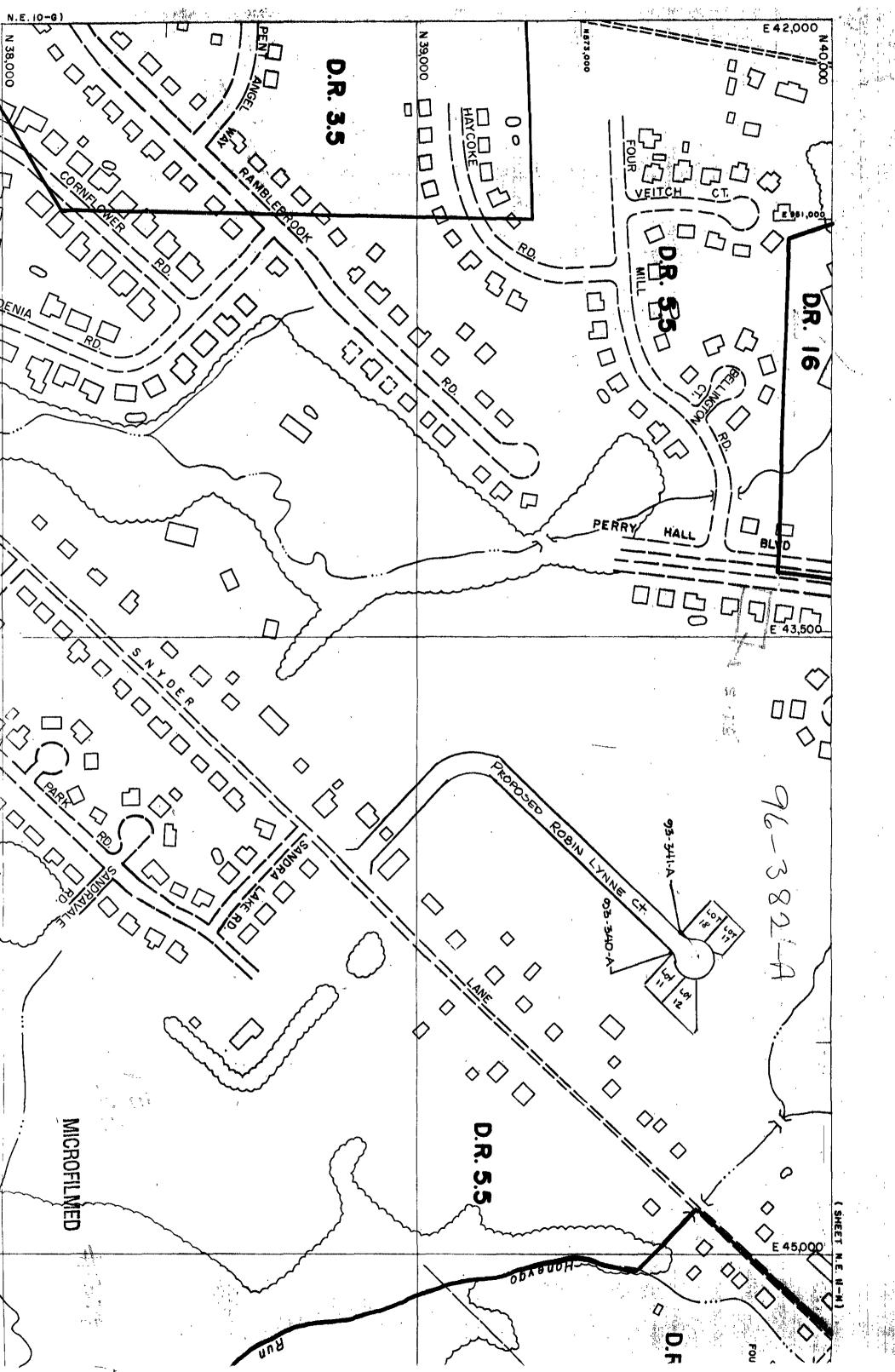
cc: Charles and Sandra Baum

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

(2) "HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Russel igua GIN HEIDIN ,20 H-282-96 oll,

* * * * * * * * * * * ZONING COMMISSIONER'S RULING ON MOTION FOR RECONSIDERATION The above captioned matter comes before the Zoning Commissioner on a request for reconsideration of the Findings of Fact and Conclusions of Law and Order issued on July 17, 1996. On that date, I denied a Petition for Zoning Variance to permit a satellite dish in the side yard, in lieu of the rear yard, of the subject property located at 9413 Perry Hall Boulevard. To the extent applicable, my Findings of Fact and Conclusions of Law are incorporated herein. Those findings and conclusions set forth the history of

IN RE: PETITION FOR ZONING VARIANCE * E/S Perry Hall Blvd., 100 ft.

N of c/l Four Mill Road

11th Election District 5th Councilmanic District

Charles V. Baum, et ux

Petitioners

9413 Perry Hall Blvd.

for this matter on May 21, 1996. Subsequent to the issuance of my Order, a written request was received from the Petitioners, Charles V. Baum and Sandra M. Baum, dated July 29, 1996. That correspondence, which is contained within the case file, requested that that I reconsider my decision and grant the Petition for Variance.

this case, including the testimony and evidence offered at a public hearing

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 96-382-A

Upon receipt of that request, I visited the site and walked the property. I examined the satellite dish not only while walking the subject property but also from the neighbor's property. That neighbor, Janice Canoles, who resides at 9411 Perry Hall Boulevard, objects to the present location of the dish for reasons set forth in her correspondence of June 24, 1996.

The location of satellite dishes is governed by Section 429 of the BCZR. Specifically, Section 429.2 of the BCZR requires that when located in

a residential zone, satellite dishes must be in the rear yard. 429.1 also permits dishes to be located on the roof of a building.

An examination of the site leads me to conclude that, from an aesthetic standpoint, the appropriate location of the subject dish is a matter of personal preference. The retention of the dish, where presently located in the side yard, hides the structure from the rear yard. Both the subject property and Ms. Canoles property have improvements in the rear yard which indicate active use of those portions of the properties. On the subject site, Mr. and Mrs. Baum have a pool and deck in the rear yard, whereas Ms. Canoles has an elevated deck leading from the rear of her house. If the dish remains in the side yard, it is not as visible from these improvements and is less intrusive to both property owners' enjoyment of their rear

However, location of the dish in the side yard of the Baum property is not without its drawbacks. If it remains at that location, it is sited directly across from Ms. Canoles' kitchen window. Obviously, this detracts from her view.

Irrespective of these aesthetic considerations, however, is the fact that this case must be decided upon the law and the BCZR. Variances are governed by Section 307 of the BCZR. That section requires that the Petitioner must demonstrate that a practical difficulty would exist if strict adherence to the regulations were required. Moreover, the Petitioner must demonstrate that no adverse impact would result if variance relief were granted. The Court of Special Appeals has recently interpreted Section 307 of the BCZR in Cromwell v. Ward, 102 Md. App. 691 (1995). The Court opined that Section 307 requires a finding that the property at issue is unique before any variance relief can be granted. Moreover, the Court repeated the well established principals that variance relief cannot be

granted for reasons of convenience but that the property owner must show a compelling need for deviation from strict adherence to the regulations.

Evaluating the case in this light mandates the result that the Petitioner's request for reconsideration be denied. Although there are reasons which support the dish's location in the side yard, those reasons do not overcome the validity of the regulation. None of those reasons are more than a personal preference and none meet the test mandated by Section 307 of the BCZR as construed in Cromwell, supra. Thus, the Petitioners' Motion for Reconsideration must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County day of November 1996 that, pursuant to the Petition for Variance, approval to allow a satellite dish in the side yard, in lieu of the rear yard, be and is hereby DENIED; and,

THEREFORE, IT IS ORDERED that the subject satellite dish must be removed from its illegal location within 60 days from the date on which this Order becomes final.

Any appeal from this decision must be taken in accordance with the applicable provisions of law.

> Zoning Commissioner for Baltimore County

Zoning Commissioner

Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

November 25, 1996

Mr. and Mrs. C.V. Baum 9413 Perry Hall Boulevard Baltimore, Maryland 21236

> RE: Ruling on Motion for Reconsideration Case No. 96-382-A Property: 9413 Perry Hall Boulevard Charles V. Baum and wife, Petitioners

Dear Mr. and Mrs. Baum:

Enclosed please find a copy of my Ruling on Motion rendered in the above captioned matter. The Motion has been denied.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Ruling to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

> LAWRENCE E. SCHMIDT Zoning Commissioner

LES: amon

. -- Printed with Soutiean Inc.

c: Mrs. Janice Canoles, 9411 Perry Hall Blvd., Baltimore, Md. 21236

IN RE: PETITION FOR ZONING VARIANCE * E/S Perry Hall Blvd., 100 ft. ZONING COMMISSIONER N of c/l Four Mill Road 9413 Perry Hall Blvd. OF BALTIMORE COUN'TY 11th Election District 5th Councilmanic District Charles V. Baum, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 9413 Perry Hall Boulevard in Perry Hall. The Petition is filed by Charles V. Baum and Sandra M. Baum, his wife, property owners. Variance relief is requested from Sections 429.2 and 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit a satellite dish in the side yard in lieu of the rear yard. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case was Charles V. Baum, property owner. There were no Protestants or other interested

Mr. Baum testified that he and his wife have owned the property since December 15, 1995. He stated that he and his family reside on the premises and the property is used for residential purposes. Indeed, the site plan shows that the property is improved with a split foyer dwelling, featuring a concrete patio and porch to the rear. Also, the rear of the site contains a wood deck and an above ground pool.

After the Petitioners' acquisition of the site in December of 1995, they constructed a satellite dish in the side yard. The dish is set back less than 5 ft. from the property line and is 7-1/2 ft. in width. The site plan also shows that the dish is located within a utility easement

maintained by Baltimore County. The Zoning Plans Advisory Committee comment from the Dept. of Public Works indicates that the dish is located over an existing sanitary sewer line.

During the hearing, the Zoning Commissioner inquired of Mr. Baum as to whether his neighbors object to the location of the dish. Particularly, the neighbor residing at 9411 Perry Hall Boulevard is the most affected. Although unable to recall that neighbors' name, Mr. Baum affirmatively stated that he had discussed the dish with that neighbor and that she had no objection to same.

Subsequent to the public hearing, the Zoning Commissioner obtained clarification of the use of the easement from the Department of Public Works. It was determined that an 8" sanitary sewer line is located within the easement and that County policy prohibits any permanent structure

More importantly, a letter was received from Janice Canoles who resides at 9411 Perry Hall Boulevard. That letter states that she objects to the location of the dish and further indicates that she had conveyed these objections to the Petitioners prior to the public hearing. It is, therefore, obvious that either Mr. Baum or Ms. Canoles have been untruthful as to whether this neighbor objected to the location of the dish and communicated those objections.

Variances are considered pursuant to the language contained within Section 307 of the BCZR. That section requires that the Petitioner demonstrate that a practical difficulty or undue hardship would result if variance relief were denied. Moreover, the Petitioner must show that the ariance can be granted so that no detriment will come to surrounding

Based on all of the evidence presented, I am not persuaded that the Petitioners have met their burden. I find no unique characteristic of this property which justifies a deviation from the BCZR. Moreover, the objection of the neighbor and the dish's potential impact on that property are factors which cannot be ignored. Based on these reasons, the Petition for Variance must and will be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of July, 1996 that a variance from Sections 429.2 and 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit a satellite dish in the side yard, in lieu of the rear yard, be and is hereby DENIED.

Zoning Commissioner

for Baltimore County

RE: Petition for Variance Case No. 96-382-A Property Location: 9413 Perry Hall Blvd.

Dear Mr. and Mrs. Baum:

Mr. and Mrs. Charles V. Baum

9413 Perry Hall Boulevard

Baltimore, Maryland 21236

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

> Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been denied, in accordance with the attached Order.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Lawrence E. Schmidt

Zoning Commissioner

July 17, 1996

(410) 887-4386

c: Mrs. Janice Canoles 9411 Perry Hall Blvd. Baltimore, Maryland 21236

Printed with Soybean link
an Secycled Paper

Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 9413 Perry Hall Blur.

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 429.2 and 400.1 to permit a satellite List in the side yard in lien of the rar.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) (an't movent on roof - 2"x4" won't Carry weight.
Can't put pole on other side of bouse in rear-would have to be too high
To move pole to rear on same side - would have to tear-up patio.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

| | We do solemnly declare and affirm, under the penantes of penjury, that I'we are the
legal owner(s) of the property which is the subject of this Fetbon. |
|-------------------------------------|--|
| Contract Purchaser/Lessee: | Legal Owner(s): |
| CHARLES V. BAUM | * SANDRA M. BAUM |
| Chuced-Dame | Signature St. Green |
| 9413 PERRY HALL BLV. | CHARLES V. BAUM |
| BALTO. Mb. 21336 City State Zipcode | - Charles V. Laur |
| Attorney for Petitioner: | |
| (Type or Print Name) | Address Phone No |
| Signature | City State Zipcode Name, Address and phone number of representative to be contacted. |
| Address Proce No. | Name about |
| | s vaget 150 |
| City State Zipcode | Address Phone No. |
| | OFFICE HIGE ONLY |

96-382-A

Beginning on the cast side at Perry Hall Blods at the listance of 100 fut north at the conterline of Four Mill Road. Also known as 9413 Perry Hall Blue one being Lot 5 > Black D, Plat Z, Section 1 in the Chapel Manor subdivision (Book 33 / Folio 65) Containing - 164 acres in the 11th Election District.

96 3754 # 379

96-382-A Date of Posting # 5/1/94 May 7, 1996 hearing Sandra and Charles Baum 9413 Perry Hall Blod Location of Some Facing you day on prepuly being Tox CERTIFICATE OF PUBLICATION

CERTIFICATE OF POSTER

ZONING DEPARTMENT OF BALTIMORE COUNTY

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ___ successive weeks, the first publication appearing on 414, 1996.

THE JEFFERSONIAN.

Baltimore County Department of Permits and Development Management

Development Processing County Office Building III West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

| | | ARNOLD | JABLON, DIRECTOR |
|------------------|----------------------|-------------|------------------|
| For newspaper ac | vertising: | | |
| Item No.: 379 | Petitioner: Chw | les + Sandi | a Baum |
| | Perry Hall Blu | | |
| | ADVERTISING BILL TO: | | |
| NAME: Cha-les | & Sanda Bac | | |
| ADDRESS: 94/3 | Perry Hell Blue | l | |
| | mo 21236 | | |
| PHONE NUMBER: | | | |

TO: PUTULENT PUBLISHING COMPANY April 18, 1996 Issue - Jeffersonian

Please foward billing to:

Charles and Sandra Baum 9413 Perry Hall Boulevard Baltimore, MD 21236 256-3656

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public bearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenne, Towson, Maryland 21204 as follows:

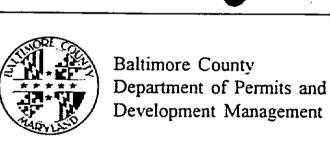
CASE NUMBER: 96-382-A (Item 379) 9413 Perry Hall Boulevard E/S Perry Hall Boulevard, 100' N of c/l Four Hill Road 11th Election District - 5th Councilmanic Legal Owner(s): Sandra H. Baum and Charles V. Baum

Variance to permit a satellite dish in the side yard in lieu of the rear.

HEARING: TUESDAY, MAY 7, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

LARRENCE E. SCHILLET ZUNIUS COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; POR SPECIAL ACCOMPODATIONS FLEASE CALL 887-3353. (2) FOR IMPORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

April 11, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeaks Rvenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-382-1 (Item 379) 9413 Perry Hall Bouleward E/S Perry Hall Bouleward, 100' W of c/l Four Mill Road 11th Election District - 5th Councilsonic Legal Owner(s): Sandra M. Back and Charles V. Back

Wariance to permit a satellite dish in the side pard in lies of the rear.

HEARING: TUESDAY, MAY 7, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

MUTES: (1) ZUMING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPPARE AVENUE ON THE HEARING DATE. (2) HEARTHS ARE HARDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPONITIONS PLEASE CALL 887-3353. (3) FOR IMPORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

BALTIMORE COUNTY, MARYLAND
OFFICE OF ANCE - REVENUE DIVISION

76-382-A

COUNT 01-615

AMOUNT \$ 850 000

FROM: Com, Comos ayis from the Bluf

DUA- IAC DIM. CHRC

010 - Res Volume - \$ 5000

030 - 1 Sign Part 7 - 8 55.00

MISCELLANEOUS CASH RECEIPT

DATE 4/2/96

Itm 370

BY. WINE

Development Processing County Office Building III West Chesapeake Avenue Towson, Maryland 21204

April 22, 1996

Rescheduled from 5/7/96 CASE NUMBER: 96-382-A (Item 379) 9413 Perry Hall Boulevard E/S Perry Hall Boulevard, 100' N of c/l Four Mill Road 11th Election District - 5th Councilmanic Legal Owner(s): Sandra M. Baum and Charles V. Baum

Variance to permit a satellite dish in the side yard in lieu of the

HEARING: TUESDAY, MAY 21, 1996 at 11:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland.

cc: Charles and Sandra Baum

Printed with Soybean Into on Recycled Paper



Baltimore County Development Management Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

April 30, 1996

Charles and Sandra Baum 9413 Perry Hall Boulevard Baltimore, MD 21236

> RE: Item No.: 379 Case No.: 96-382-A Petitioner: Charles Baum, et ux

Dear Mr. and Mrs. Baum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 22, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these

comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

WCR/jw Attachment(s) Zoning Supervisor

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

Development Coordination

Zoning Advisory Committee Agenda: 4-15-96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

LETTY2/DEPRM/TXTS8

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

Date: April 22, 1996

Arnold Jablon, Director Department of Permits & Development Management

FROM: \(\) NRobert W. Bowling, Chief Development Plans Review Division Department of Permits & Development Management

SUBJECT: Zoning Advisory Committee Meeting for April 22, 1996 Item No. 379

The Development Plans Review Division has reviewed the subject zoning item. The center line of an existing 10-foot drainage and utility easement runs along the south property line of lot 5 (#9413 Perry Hall Boulevard). An existing 8-inch diameter sanitary sewer is located in this easement. County policy prohibits the location of any permanent structure in a County easement.

RWB:HJO:jrb cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Permits and Development

DATE: April 10, 1996

FROM: Pat Keller, Director Office of Planning

Management

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s): Item Nos. 365, 366, 368, 369, 371, 375, 376, 379, 382, 384, 385, 386 and 388 If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

ITEM365/PZONE/TXTJWL

State Highway Administration

David L. Winstead Secretary Hal Kassoff Administrator

4-12-96

RE: Baltimore County Item No. 379 (MJK)

Dear Ms. Watson:

Ms. Joyce Watson

Baltimore County Office of

Towson, Maryland 21204

Permits and Development Management

County Office Building, Room 109

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Ronald Burns, Chie Engineering Access Permits

My telephone number is

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Larry E. Schmidt Zoning Commissioner DATE: April 15, 1996

James H. Thompson - GF Code Enforcement Supervisor

SUBJECT: ITEM NO.: PETITIONER:

Charles V. Baum and Sandra M. Baum

Tenants By Entireties C-96-3754

VIOLATION CASE NO.: LOCATION OF VIOLATION:

9413 Perry Hall Boulevard Baltimore, Maryland 21236

11th Election District

DEFENDANTS:

Charles V. Baum and Sandra M. Baum 9413 Perry Ball Boulevard Baltimore, Maryland 21236

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled

for a public hearing, please notify the following person(s):

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case. JHT/GF/hek

RE: PETITION FOR VARIANCE 9413 Perry Hall Blvd., E/S Perry Hall Blvd., 100' N of c/l Four Mill Road 11th Election District, 5th Councilmanic Charles and Sandra Baum Petitioner

ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 96-382-A

BEFORE THE

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

I HEREBY CERTIFY that on this _____ day of May, 1996, a copy of the foregoing Entry of Appearance was mailed to Charles and Sandra Baum, 9413 Perry Hall Blvd., Baltimore, MD 21236, Petitioners.

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on Recycled Paper

Office of the Fire Marshal

DATE: 04/16/96

(410)887-4880

Zoning Agenda:

Item No.: SEE BELOW

Location: DISTRIBUTION MEETING OF APRIL 15, 1996.

700 East Joppa Road

Towson, MD 21286-5500

Zoning Administration and

Baltimore County Office Building

RE: Property Owner: SEE BELOW

Development Management

Towson, MD 21204

MAIL STOP-1105

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Baltimore County Government

Fire Department

8. The Fire Marshal's Office has no comments at this time, IN PEFERENCE TO THE FOLLOWING ITEM NUMBERS:376,378,379,382,384,385,

REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Mr. & Mrs. C.V. Baum 9413 Perry Hall Bly. AUG - 1 1996 July 29, 1996 Balto. Co. Zoning Commissioner RE: Petition for Variance

Case No. 96-382-A

Dear Mr. Schmidt:

Mr. Lawrence E. Schmidt

As per your instruction in our telephone conversation on July 29, 1996, I am writing this letter to ask for your reconsideration on the decision you rendered denying my Petition for Variance. I feel that the evidence contained in this letter should explain the points in your decision letter to me dated July 17, 1996, relaying your denial for my Petition.

The Zoning Plans Advisory Committee comment states that there is a 10 ft. easement that runs along my south property line. This is correct, but only 5 feet is on my property. In speaking with Herb Obrec from the Department of Public Works, there is an 8" line going through the center of the 10 ft. easement. The site plan is very unclear as to where my satellite dish is positioned, but an actual measurement that I have made shows clearly that the dish is 7 feet from my line, which means that it's not even located in the easement.

As to the letter from Janice Canoles, who is my next door neighbor. First, I truly believe that her letter should have no bearing on your decision. She had plenty of time before the hearing, while my property was posted, right next to her drive-way, to relay her feelings to Baltimore County. She didn't. She also had her chance to speak up at the hearing, which cost me the filing fee plus the expense for the ad in the papers. No one, not even her, showed up to contest. Therefore, nothing she had to say should have any bearing.

Mrs. Canoles was the real estate agent that sold us our property. While considering purchasing the home, myself and my buying agent, Mrs. Goldie Lipinski of O.P.F. Realty, asked Mrs. Canoles about any Neighborhood Association because we were putting up a satellite dish. She said there was no Association and there would be NO problem with the dish. I realize that Mrs. Canoles wanted to make a sale, but I didn't realize that she would tell us one thing to sell us the house, then change her mind after the sale was complete. I do believe that real estate Agents are licensed by the State and I don't think that what she did would be considered ethical by the Maryland Real

Estate Commission. Because of this, I am sending a copy of this letter to the Commission, and to the real estate Company that Mrs. Canoles represents.

A funny thing, even after we bought our house and installed the satellite, Mrs. Canoles said that she didn't mind it because she was seldom at home. Jokingly, she asked me if her husband could hook up to it so he could watch all the races. Apparently, she changed her mind.

As far as practical difficulty and undue hardship, if indeed I have to move the dish, I would have to tear up a concrete patio, take down a fence and rewire from start to finish. This undertaking would prove very expensive and unnecessary , considering what I have already spent and gone through to this

In surmary, I realize that the Zoning Commissioner has many and varied duties and it would be impossible to visit every site to render a decision. But if you could visit my home and see that I am located on a dead-end street, and that my satellite doesn't disrupt anything, including the natural serenity, I do believe that you would see your way to approving my Petition

Thank you for your consideration and if there is anything that I have not made clear, please don't hesitate to call me either at home or on my job.

9659 Belair Road

c: Coldwell Banker - Grempler

Real Estate Commission of Maryland 501 St. Paul Street

Please be advised, that dam the Closer neighbor facing the Satelate dish that Mr. & Mr Bourn Post up. I want it know that I do mind it there and I want it mored. I exprend my feelings to Them when they asked me to sign a letter stating I didn't mind it. I said I did mind it and of didn't know why they put it There, I just noted to go on

Cyl 15, 1996 (Parles V. Brum 9413 Perry Hall Blo. Batte, Med 21236 410-256-3656

72/1. arnold Jabien,

Please accept this letter as a request to post gene the hearing detect Theoday, May 7, 1996. My case number in 96-352-A (From 379) and the hearing is in reference to my satellite dish placement. My rife and I will be out of Town from May 5 through May 8. Car reservations have been made for months and our deposit is non refrendable. We will also be out of town from June 13 through June 16. Any Then dates would be

I hante you for your consideration,

